REMARKS

Claims 1, 3, 5, 7 – 9, and 11 - 19 are pending. Claims 2, 4, 6, and 10 are cancelled. No claims are withdrawn from consideration.

The amendments to claims 1 and 12 find support throughout the original specification. Referring to Figure 1, the paragraph spanning pages 7 and 8 of the original specification states,

> The singulating means 40 immediately follows the first transport means 30 and consists in the present case of two rollers 41, 42 pressed against one another. The upper roller 41 is designed as embossed roller, while the lower roller is designed as smooth roller. The rollers are displaced slightly relative to one another in the direction of transport of the belt and are, moreover, arranged so that the slit 43 defined by the rollers is located below the transport plane 34 of the solidified belt. It is evident that the tangential plane 44 – depicted by a broke line – of the slit 43 forms an angle with the transport plane 34, so that it is clear that the solidified band is diverted downward on being guided through the slit 43. This diversion exerts a force essentially perpendicular to the plane of the tablet belt 14, which causes the thin product webs 16 to break. In the example depicted, there is also a guide device 45 provided for the table belt between the two rollers 41 and 42 and the end of the conveyor belt 31.

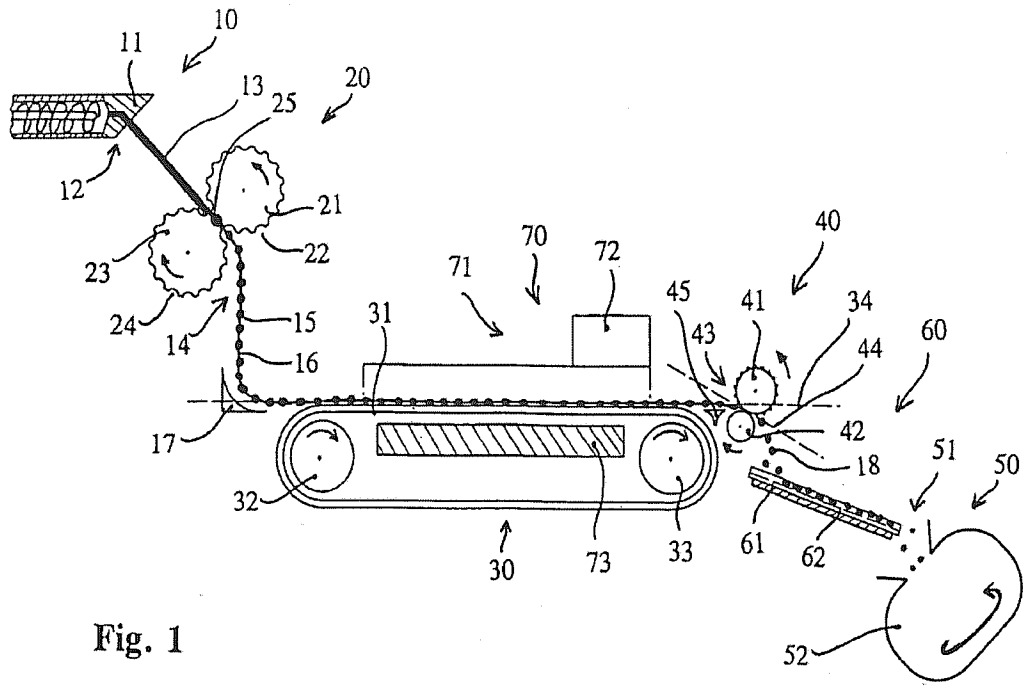


Fig. 1

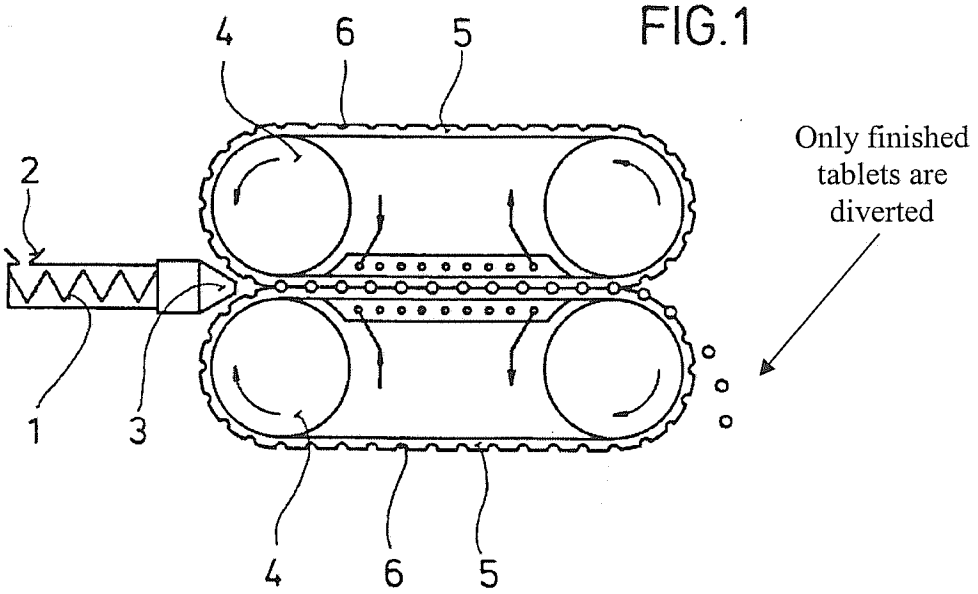
Furthermore, original claim 7 was directed to "An apparatus as claimed in claim 6, wherein the singulating means (40) comprises at least one rotatable roller (41) for diverting the tablet belt (14) out of a transport plane (34) of the first transport means (30).

Applicants respectfully request reconsideration of the rejection of claims 1, 3, 5, 7 – 9, and 11 – 19 under 35 U.S.C. §103(a) over US 4,072,551 to Dabal et al. (hereinafter, "Dabal") in view of US 5,073,379 to Klimesch et al. (hereinafter, "Klimesch").

The Office action asserts, "there is no … requirement that the belt is diverted prior to singulation." According to amended claim 1 a force must be generated by passing the solidified tablet belt underneath a roller that diverts the solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. According to the claim, the solidified tablet belt must be diverted prior to singulation, because a solidified tablet belt cannot be diverted after it is singulated into tablets.

Klimesch does not describe diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane. As can be seen from Figure 1 of Klimesch a solidified tablet belt is not diverted from one plane to another. Only finished tablets are so diverted.

FIG.1



Likewise, Dabal does not describe diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane. As can be seen from Figure 5 of Dabal a solidified tablet belt is not diverted from one plane to another.

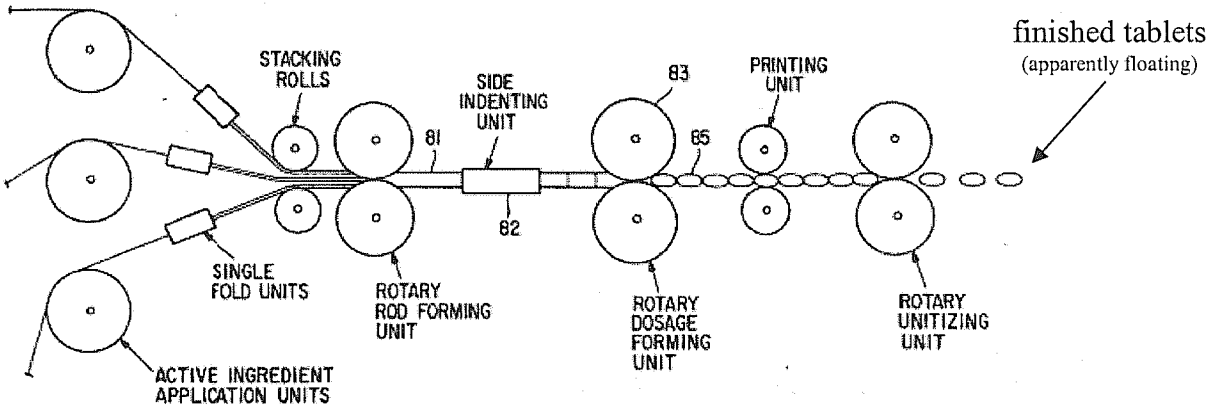


FIG. 5

In responding to Applicants' attempt at levity (by labeling Dabal's finished tablets as "apparently floating"), the Office action states, "Dabal's drawing depiction of the finished tablets is to show the general concept of the finished individual tablets and was not intended to imply that the finished tablets are not subject to the force of gravity." Applicants heartily agree; Dabal's finished tablets would be subject to the force of gravity. The Examiner should agree that according to Dabal no force – not even the force of gravity – diverts a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. At best, gravity would divert Dabal's finished tablets.

Since neither reference describes diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane, the references do not obviate claim 1, which requires asserting upon the tablet belt a force generated by passing the solidified tablet belt underneath a roller that diverts a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. Claims 3 and 5 depend from claim 1.

Furthermore, the present invention does not relate to concurrent forming and unitizing. Dabal does not describe its "rotary unitizing unit," schematically depicted in Figure 5, in any detail. The unitizing methods mentioned in column 26 and 27 of Dabal refer either to concurrent forming and unitizing or to cutting operations. Similarly, Klimesh relates to a method and device for concurrent forming and unitizing. On the other hand, the present invention relates to using a force generated by diverting a tablet belt out of its transport plane to unitize (singulate) the belt into individual tablets by breaking the product web connecting the tablets in the belt. Thus, according to the present invention, cutting tools, which may damage the tablets, can be avoided. According to various embodiments of the invention, breaking rollers can be provided with flexible thin plates that do not have to perform cutting operating. Consequently, the present invention avoids damaging the tablets. (See page 8, lines 28 *et seq*. of the present specification).

Claim 12 requires at least one rotatable roller for diverting the tablet belt out of a transport plane of the first transport means and in a downward direction from the transport plane to a tangential plane. Again, neither Klimesch nor Dabal describe diverting a tablet belt from one plane to another. Thus, the combination does not establish a *prima facie* case of obviousness. Claims 7 – 9 and 11 depend from claim 12.

Claim 13 requires singulating a solidified tablet belt by asserting a force generated by diverting the solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. Again, the combination does not describe this feature and therefore does not establish a *prima facie* case of obviousness. Claims 14 – 19 depend from claim 13.

Moreover, the Office action does not bother to address the important argument that the proposed combination would render Dabal unsuitable for its intended purpose. The proposed combination involves using Klimesch's melt extrusion composition that includes a pharmaceutically active ingredient during Dabal's molding process in order to avoid having to add the active ingredient at a

later stage after extrusion. Dabal emphasizes that its prime object is to deposit active ingredient on the moving web surface in an exceptionally uniform manner (See column 15, lines 37 – 40). Dabal also explains, since it is the object of the invention to load the active ingredient to the surface of the web, where any appreciable amount of active substance is absorbed into the web it is necessary to provided a web without active ingredient as the outer surface (See column 17, lines 39 – 58).

Applicants respectfully request that a two-month extension of time be granted in this case. The respective fee is paid by credit card.

The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

The present application is in condition for allowance, and applicants respectfully request favorable action. In order to facilitate the resolution of any questions, the Examiner is welcome to contact the undersigned by phone.

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Respectfully submitted,
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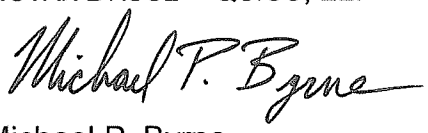

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